

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. *Applicant/Contact name and address:* DATSOPOULAS DEVELOPMENT LLC
207 PATTEE CREEK DR
MISSOULA MT 59801
2. *Type of action:* APPLICATION FOR BENEFICIAL WATER USE PERMIT
76M-30006178
3. *Water source name:* GROUNDWATER
4. *Location affected by action:* E2SWNE AND NENWSE SECTION 14, T 13 N, R 20 W,
MISSOULA CO.
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
THE PROPOSED PROJECT IS TO OBTAIN A PERMIT TO USE GROUNDWATER FROM A WELL FOR DOMESTIC WATER FOR A 46-LOT RESIDENTIAL SUBDIVISION. THE PRIMARY WELL IS 126 FEET IN DEPTH. THERE IS A SECONDARY WELL TO BE USED AS A BACKUP. WATER IS TO BE DIVERTED FROM THE PRIMARY AND/OR SECONDARY WELL AT A MAXIMUM RATE OF 298 GPM. WATER WILL BE USED FOR MULTIPLE DOMESTIC PURPOSES AS WELL AS LAWN AND GARDEN IRRIGATION OF THE INDIVIDUAL LOTS AND THE 1.3-ACRE COMMON AREA. THE PERIOD OF USE WILL BE YEAR-ROUND. TOTAL VOLUME REQUESTED IS 45.2 ACRE-FEET PER YEAR.

THE DNRC SHALL ISSUE A WATER USE PERMIT IF AN APPLICANT PROVES THE CRITERIA IN 85-2-311, MCA ARE MET.

6. *Agencies consulted during preparation of the Environmental Assessment:*
(include agencies with overlapping jurisdiction)

STATE HISTORICAL PRESERVATION OFFICE
MONTANA NATURAL HERITAGE PROGRAM
MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY
MISSOULA OFFICE OF PLANNING AND GRANTS

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: SEE GROUNDWATER SECTION BELOW.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: SEE GROUNDWATER SECTION BELOW.

Groundwater - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: NO SIGNIFICANT IMPACTS.

THE PROPOSED PROJECT WOULD USE WATER FROM THE MISSOULA AQUIFER. THE MISSOULA AQUIFER HAS BEEN SHOWN BY VARIOUS STUDIES TO BE CAPABLE OF SUPPLYING WATER TO NUMEROUS DIVERSIONS. THE PROPOSED WELL HAS BEEN PUMP TESTED FOR A PERIOD OF 72 HOURS WITH DRAWDOWN MEASURED. THE STATIC WATER LEVEL IN THE WELL RECOVERED TO PRE-PUMPING LEVEL WITHIN ONE HOUR AFTER THE PUMPING STOPPED. ACCORDING TO INFORMATION SUBMITTED WITH THE APPLICATION, THIS PROPOSED GROUNDWATER DIVERSION WILL HAVE NO MEANINGFUL IMPACT TO NEARBY GRANT CREEK. THE APPLICANT'S REPORT INDICATES THAT IF THE WELL WERE PUMPED AT THE MAXIMUM RATE FOR A PERIOD OF ONE YEAR, THERE WOULD BE A DEPLETION OF WATER FROM THE CLARK FORK RIVER OF 21.3 ACRE-FEET AT A RATE OF 16 GPM. ACCORDING TO THE APPLICATION, THE MAIN WELL WILL NOT BE PUMPED AT THE MAXIMUM RATE. THE AVERAGE DAILY REQUIREMENT WILL BE 28 GPM.

DIVERSION WORKS - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

Determination: NO SIGNIFICANT IMPACTS.

A LICENSED WELL DRILLER CONSTRUCTED BOTH PRIMARY AND SECONDARY WELLS, IN COMPLIANCE WITH THE RULES OF THE STATE OF MONTANA. THE DIVERSION WORKS, AS DESCRIBED BY THE APPLICANT, ARE ADEQUATE FOR THE STATED PURPOSE.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

Determination: NO SIGNIFICANT IMPACTS.

THE THREATENED BULL TROUT AND THE USFS AND BLM SENSITIVE WESTSLOPE CUTTHROAT TROUT ARE IDENTIFIED IN THE CLARK FORK RIVER AND GRANT CREEK, NEAR THE PROJECT AREA. THE PROPOSED PROJECT WOULD HAVE NO IMPACTS TO EITHER TROUT POPULATION.

THE HABITAT POLYGON FOR THE BLM SENSITIVE SWAINSON'S HAWK COVERS THE AREA OF THE PROPOSED PROJECT.

OTHER SPECIES OF CONCERN IDENTIFIED BY THE MONTANA NATURAL HERITAGE PROGRAM ARE: A STONEFLY, BLM SENSITIVE FRINGED MYOTIS, AND A CAVE OBLIGATE AMPHIPOD.

Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

Determination: NO SIGNIFICANT IMPACTS.

THERE ARE NO WETLANDS IDENTIFIED IN THE AREA OF THE PROPOSED PROJECT.

Ponds - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

Determination: NO SIGNIFICANT IMPACTS.

THIS PERMIT APPLICATION IS FOR THE USE OF A GROUNDWATER WELL FOR MULTIPLE DOMESTIC PURPOSES. NO PONDS ARE PROPOSED.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

Determination: NO SIGNIFICANT IMPACTS.

THE AFFECTED GROUND IS CURRENTLY VACANT. THIS PROPERTY IS SURROUNDED BY SIMILAR RESIDENTIAL SUBDIVISIONS. IF CONSTRUCTED AS PROPOSED, THE QUALITY, STABILITY AND MOISTURE CONTENT WILL BE SIMILAR THE THAT OF THE SURROUNDING AREA.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: NO SIGNIFICANT IMPACTS.

THE PROPOSED PROJECT IS CURRENTLY VACANT LAND LOCATED IN AN AREA OF MISSOULA COUNTY THAT IS SURROUNDED BY RESIDENTIAL SUBDIVISIONS. THE PROPOSED PROJECT WOULD BE EXPECTED TO REDUCE THE OCCURRENCE OF NOXIOUS WEEDS.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: NO SIGNIFICANT IMPACTS.

CONSTRUCTION ACTIVITIES MAY CAUSE MINOR AND TIME LIMITED DUST.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

Determination: NO SIGNIFICANT IMPACTS.

THE STATE HISTORICAL PRESERVATION OFFICE RECOMMENDS THAT NO CULTURAL RESOURCE SURVEYS ARE WARRANTED GIVEN THE EXTENT OF THE EXISTING GROUND DISTURBANCE.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: NO IMPACTS NOT ADDRESSED.

<h2>HUMAN ENVIRONMENT</h2>

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: NO SIGNIFICANT IMPACTS.

THE RIVERWALK ESTATES SUBDIVISION RECEIVED APPROVAL FROM THE MISSOULA CITY COUNCIL AT ITS REGULARLY SCHEDULED MEETING ON JULY 25, 2005. THE APPROVAL PERIOD FOR THIS PROJECT IS TWO YEARS AND IS BASED ON THE CONDITONS STATED IN THE RIVERWALK ESTATES CONDITOINS OF SUBDIVISION APPROVAL DATED JULY 25, 2005. THE PROJECT IS SURROUNDED BY SIMILAR RESIDENTIAL SUBDIVISIONS.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.

Determination: NO SIGNIFICANT IMPACTS.

THE PROPOSED PROJECT WILL NOT IMPAIR ACCESS TO RECREATIONAL OR WILDERNESS ACTIVITIES.

HUMAN HEALTH - Assess whether the proposed project impacts on human health.

Determination: NO SIGNIFICANT IMPACTS.

THE PROPOSED PROJECT WOULD PROVIDE RESIDENTIAL HOUSING IN THE MISSOULA AREA.

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes___ No_X_. If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: NO SIGNIFICANT IMPACTS.

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- | | |
|--|-------|
| (a) <u>Cultural uniqueness and diversity?</u> | NONE |
| (b) <u>Local and state tax base and tax revenues?</u> | MINOR |
| THE ADDITION OF 46 RESIDENTIAL LOTS WOULD ADD TO THE STATE AND LOCAL TAX BASE. | |
| (c) <u>Existing land uses?</u> | MINOR |
| (d) <u>Quantity and distribution of employment?</u> | NONE |
| (e) <u>Distribution and density of population and housing?</u> | MINOR |
| (f) <u>Demands for government services?</u> | MINOR |
| (g) <u>Industrial and commercial activity?</u> | NONE |
| (h) <u>Utilities?</u> | MINOR |
| (i) <u>Transportation?</u> | MINOR |
| (j) <u>Safety?</u> | MINOR |

(k) Other appropriate social and economic circumstances?

NONE

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts NONE IDENTIFIED

Cumulative Impacts NONE IDENTIFIED

3. *Describe any mitigation/stipulation measures:* THERE ARE NO MITIGATION/STIPULATION MEASURES IDENTIFIED FOR THE PROPOSED ACTION.

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*

THE NO ACTION ALTERNATIVE IS THE ONLY ALTERNATIVE CONSIDERED FOR THE PROPOSED ACTION. UNDER THE NO ACTION ALTERNATIVE, THE APPLICANT WOULD BE UNABLE TO OBTAIN A WATER RIGHT FOR THE PROPOSED MULTIPLE DOMESTIC WATER SUPPLY

PART III. Conclusion

1. *Preferred Alternative*

2. *Comments and Responses*

3. *Finding:*

Based on the significance criteria evaluated in this EA, is an EIS required?

Yes___ No X__

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: AN EA IS THE APPROPRIATE LEVEL OF ANALYSIS FOR THIS PROPOSED ACTION BECAUSE NO SIGNIFICANT IMPACTS HAVE BEEN IDENTIFIED AS A RESULT OF THE PROPOSED ACTION.

Name of person(s) responsible for preparation of EA:

Name: PATRICK RYAN

Title: WATER RESOURCE SPECIALIST

Date: JUNE 29, 2006